

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	18-CR-1107-MV
)	
WAYNE RYAN,)	
)	
Defendant.)	

**UNITED STATES' RESPONSE IN OPPOSITION TO
MOTION TO TEMPORARILY MODIFY CONDITIONS OF RELEASE**

For the reasons set forth below, the United States opposes the Defendant's Motion to Temporarily Modify Conditions of Release:

BACKGROUND

On March 19, 2018, the Defendant, Wayne Ryan, was arrested in Socorro County in the District of New Mexico and charged with unlawful possession of a machine gun and silencers in violation of 18 U.S.C. § 922(o) and 26 U.S.C. § 5861(d). Evidence at the detention hearing on March 20, 2018, showed the following:

- (1) the Defendant converted an assault rifle such that it could be used to fire more than one round with a single squeeze of the trigger;
- (2) video evidence showed the Defendant converting and firing the converted assault rifle and using a silencer;
- (3) the Defendant was in unlawful possession of a number of other silencers;
- (4) the had unlawfully operated an aircraft in a manner dangerous to the public;
- (5) the Defendant was arrested soon after agents received information that the Defendant intended to flee the country;

(6) at the time of his arrest, a handcuff key was recovered from the Defendant's mouth.

In addition, there was conflicting evidence about the Defendant's employment status and history. Based on the foregoing, the Court ordered the Defendant detained as both a flight risk and a danger to the community.

DISCUSSION

The Defendant now asks the Court to enter an order permitting the Defendant's release to his employer in Arizona as a third-party custodian in Arizona. The Defendant represents that Pre-Trial Services does not recommend a change in the Defendant's custody status. The United States opposes the Defendant's motion.

Conditions of release must "reasonably assure the appearance of the person" and "the safety of any other person and the community." 18 U.S.C. § 3142(g). In determining whether there are conditions of release that can be fashioned to meet these two requirements, the court must consider the following factors:

- the nature and circumstances of the offense charged, including whether the offense is a crime of violence . . .
- the weight of the evidence against the person;
- the history and characteristics of the person, including—
 - the person's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings;
 - and
 - whether, at the time of the current offense or arrest, the person was on probation, on parole, or on other release pending trial . . . ; and
- The nature and seriousness of the danger to any person or the community that would be posed by the person's release

Here the Defendant has adduced no new evidence that compels different findings from the findings the Court made on March 20, 2018. The weight of the evidence against the

Defendant remains strong, and his history and characteristics remain such that he continues to poses a risk of flight and a danger to the community, even if employed in Arizona.

CONCLUSION

For the foregoing reasons, the United States opposes the Defendant's Motion to Temporarily Modify Conditions of Release and respectfully requests that the Defendant be detained.

Respectfully submitted this 24th day of April, 2018.

JOHN C. ANDERSON
United States Attorney

GEORGE C. KRAEHE
Assistant United States Attorney
Post Office Box 607
Albuquerque, New Mexico 87102
(505) 346-7274

I HEREBY CERTIFY that on the 24th day of April 2018, I filed the foregoing pleading electronically through the CM/ECF system, which caused counsel of record for defendant to be served by electronic means.

/s/ Filed Electronically
GEORGE C. KRAEHE
Assistant U.S. Attorney